

FILED

NOV 12 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY Carl
DEPUTY

UNITED STATES OF AMERICA

* CRIMINAL NO. W-19-CR-258

Plaintiff

* SUPERSEDING INDICTMENT

V.

XAVIER ANGELO HERNANDEZ (1)
STEVEN MATTHEW OCHOA (2)
JULIO CESAR CRUZ (3)
MARTIN ZUNIGA, JR. (4)
GASPAR SARDANETA
MARTINEZ (5)
CARLINE STONE BOLDING (6)
CHERYL ANN FLANAGAN (7)
SABRINA MARIA SARDANETA (8)
DALIA RAQUEL ESTRADA
GONZALEZ ROBINSON (9)

* [VIO: COUNT ONE: 21 U.S.C. 846 {21 U.S.C. 841(a)(1) & 841(b)(1)(A)(viii); 21 U.S.C. 841(a)(1) & 841(b)(1)(B)(viii); 21 U.S.C. 841(a)(1) & 841(b)(1)(C)} - Conspiracy to Possess With Intent to Distribute Methamphetamine, a Schedule II Controlled Substance; COUNT TWO: 18 U.S.C. 924(c)(1)(A)(i) - Possession of a Firearm During the Commission of a Drug Trafficking Crime]

Defendants

*

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. 846 {21 U.S.C. 841(a)(1) & 841(b)(1)(A)(viii), 841(b)(1)(B)(viii), 841(b)(1)(C)}]

Beginning in or about November, 2017, the exact date unknown to the Grand Jury, and continuing until the present time, in the Western District of Texas and elsewhere, Defendants,

XAVIER ANGELO HERNANDEZ,
STEVEN MATTHEW OCHOA,
JULIO CESAR CRUZ,
MARTIN ZUNIGA, JR.,
GASPAR SARDANETA MARTINEZ,
CARLINE STONE BOLDING,
CHERYL ANN FLANAGAN,
SABRINA MARIA SARDANETA,
and
DALIA RAQUEL ESTRADA GONZALEZ ROBINSON,

did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together and with each other and others, to the Grand Jury known and unknown, to commit offenses against the United States, in violation of Title 21, United States Code, Section 846, that is to say, they

conspired to possess with intent to distribute at least 500 grams of a mixture or substance containing a detectable amount of Methamphetamine, a Schedule II Controlled Substance, contrary to Title 21, United States Code, Section 841(a)(1).

QUANTITY OF CONTROLLED SUBSTANCE INVOLVED IN THE CONSPIRACY

The quantity of the mixture or substance containing Methamphetamine involved in the conspiracy and attributable to each Defendant as a result of each Defendant's own conduct and as a result of the conduct of other conspirators reasonably foreseeable to each Defendant is as follows:

| DEFENDANT | QUANTITY | STATUTE |
|--|--------------------|--------------------------------|
| XAVIER ANGELO HERNANDEZ (1) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| STEVEN MATTHEW OCHOA (2) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| JULIO CESAR CRUZ (3) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| MARTIN ZUNIGA, JR. (4) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| GASPAR SARDANETA MARTINEZ (5) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| CARLINE STONE BOLDING (6) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| CHERYL ANN FLANAGAN (7) | At least 500 grams | 21 U.S.C. § 841(b)(1)(A)(viii) |
| SABRINA MARIA SARDANETA (8) | At least 50 grams | 21 U.S.C. § 841(b)(1)(B)(viii) |
| DALIA RAQUEL ESTRADA GONZALEZ ROBINSON (9) | At least 50 grams | 21 U.S.C. § 841(b)(1)(B)(viii) |

All in violation of Title 21, United States Code, Section 846.

COUNT TWO [18 U.S.C. 924(c)(1)(A)(i)]

On or about November 19, 2017, in the Western District of Texas, Defendant,

XAVIER ANGELO HERNANDEZ,

did knowingly possess the following firearm, to-wit:

A Glock 22, .40 caliber firearm, bearing Serial Number BAFW367

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to-wit: *Conspiracy to Possess With Intent to Distribute at Least 50 Grams of Methamphetamine, a Schedule II Controlled Substance*, contrary to Title 21, United States Code,

Sections 841(a)(1) and 846, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

I. Controlled Substance Forfeiture Statute [21 U.S.C. § 853(a)]

As a result of the foregoing criminal violations, which are punishable by imprisonment for more than one year, the United States gives notice that it intends to forfeit, but is not limited to, the below-listed property from Defendants Xavier Angelo Hernandez, Steven Matthew Ochoa, Julio Cesar Cruz, Martin Zuniga, Jr., Gaspar Sardaneta Martinez, Carline Stone Bolding, Cheryl Ann Flanagan, Sabrina Maria Sardaneta, and Dalia Raquel Estrada Gonzalez Robinson. Defendants shall forfeit all right, title, and interest in the below-described property to the United States pursuant to FED. R. CRIM. P. 32.2 and 21 U.S.C. § 853(a) which specifically states the following:

21 U.S.C. § 853.

(a) Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation.

II. Property

This Notice of Demand for Forfeiture includes, but is not limited to, the following:

1. \$3,654.00, more or less, U.S. Currency
2. Black Mossberg Model SA-20 20Gauge Shotgun SN KA39800
3. German Sport Guns .22 caliber rifle SN A556922
4. Brown Mossberg 20 Gauge Shotgun SN U197354
5. Romarm/Cugir Mini Draco AK-47 7.62 x 39mm caliber pistol
6. Rossi Model RS22 .22 caliber rifle SN 7CA034029L
7. Diamond Back Firearms DB-15 .223 caliber Rifle SN DB1516191 with attached light and Leupold Scope SN 157722AE
8. Diamond Back Firearms DB10 .223 caliber Rifle SN DB5002575 with attached light and X Sight 4K Nightvision scope

9. Glock 22 .40 caliber firearm SN BAFW367
10. Any and all firearms, ammunition, magazines and/or accessories involved in or used in the commission of the criminal offenses and
11. Any property constituting, or derived from, any proceeds obtained, directly or indirectly, and property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violation set forth in Count One for which Defendants are liable

A TRUE BILL:

SEALED DOCUMENT PURSUANT
TO E-GOVERNMENT ACT OF 2002

FOREPERSON

JOHN F. BASH
UNITED STATES ATTORNEY

Stephanie Smith-Burris
By: STEPHANIE SMITH-BURRIS
Assistant United States Attorney